

## USING ACTIVINSPIRE PROFESSIONAL SOFTWARE WITH THIRD PARTY PRODUCTS? WHAT DOES THE END USER LICENSE AGREEMENT REALLY MEAN?

1. Customer A purchased ten (10) 387 ActivBoards in 2010. As part of that "Related Purchase" of those ActivBoards, Customer A received ten (10) single-user licenses of Promethean's ActivInspire Professional Software at no additional charge. The Software is allowed to be downloaded on a single computer at the location where the ActivBoard is located and another computer outside the location where the ActivBoard is located for preparatory work. Section 4.4 of the End User License Agreement (EULA) says that the Software received as part of a Related Purchase is only permitted to be operated with the Promethean Equipment with which it was purchased. **Can Customer A display the ActivInspire Software received with the purchase of the ten (10) Promethean ActivBoards on the ten (10) Interactive Whiteboards manufactured by XYZ Company that Customer already has in the school? NO.** The Software is only allowed to be displayed on the ten (10) ActivBoards with which the Software came as a Related Purchase. That software is not permitted to be displayed on any third party interactive display devices. The only way Customer A can use ActivInspire Professional Software on those XYZ Company Interactive Whiteboards is if Customer A purchases separate ActivInspire Professional Licenses for use specifically on these third party interactive display devices. If Customer A wants all ten (10) XYZ Company Boards to display the ActivInspire Professional Software concurrently, Customer A will have to purchase ten (10) stand-alone ActivInspire Professional Licenses.\*

2. In addition to the ten (10) ActivBoards purchased by Customer A in 2010, Customer A also purchases five (5) XYZ Company Interactive Whiteboards and five (5) XYZ Company Interactive Projectors from the same reseller. **Can Customer A display the ActivInspire Professional Software that Customer A received with the purchase of the ten (10) Promethean ActivBoards on ANY of those XYZ Company Interactive Whiteboards or Interactive Projectors that they purchased at the same time from the same reseller? NO.** The Software is only allowed to be displayed on the ten (10) ActivBoards with which the Software came as a Related Purchase. That Software is not permitted to be displayed on any third party interactive display devices. The only way Customer A can use ActivInspire Professional Software on those XYZ Company Interactive Whiteboards and XYZ Company Interactive Projectors is if Customer A purchases separate ActivInspire Professional Licenses for use specifically on these third party interactive display devices. If Customer A wants all ten (10) XYZ Company Interactive White Boards and Interactive Projectors to display the ActivInspire Professional software concurrently, Customer A will have to purchase ten (10) stand-alone ActivInspire Professional Licenses.\*

3. In 2015, Customer A decides that it is time to refresh the technology in their classrooms. As part of that refresh, Customer A purchases ten (10) XYZ Company Interactive Flat Panels. Customer A takes the ten (10) ActivBoards previously purchased in 2010 off the walls, disposes of them so that they are no longer in use, and replaces them with the ten (10) XYZ Company Flat Panels. **Can Customer A continue to use the ActivInspire Professional Software that the Customer received with the purchase of the ten (10) ActivBoards back in 2010 on Customer A's new XYZ Company Flat Panels that replaced the old 2010 ActivBoards? NO.** The ActivInspire Software that Customer A has installed on Customer A's computer is not permitted to be displayed on the new XYZ Company Flat Panels. The Software received with the ten (10) ActivBoards in 2010 was received as part of a Related Purchase; therefore, it cannot be used with the new XYZ Company Flat Panels. **What if the XYZ Company reseller told Customer A that Customer A's ActivInspire Professional Software that they already have installed on their computers can be used on their new XYZ Company Flat Panels? Customer A has been given false information!** In order for Customer A to continue using ActivInspire Professional Software with their new XYZ Company Flat Panels, Customer A must purchase new stand-alone ActivInspire Professional Licenses. If Customer A wants ten (10) teachers to use the ten (10) new XYZ Company Flat Panels with Promethean's ActivInspire software concurrently, Customer A will have to purchase ten (10) ActivInspire Professional Licenses.\*

4. What if Customer A decided to refresh the technology in their classrooms by disposing of the ten (10) ActivBoards purchased in 2010 and replacing them with ten (10) Promethean ActivPanels instead of the ten (10) XYZ Company Flat Panels? **Can Customer A use the ActivInspire Professional Software that the Customer received with the purchase of the ten (10) ActivBoards in 2010 on Customer A's new Promethean ActivPanels that replaced the old 2010 ActivBoards? YES!** Customer A can continue to use the existing ActivInspire Professional Software that is already on their computers from when they purchased their ten (10) ActivBoards in 2010. It should be noted that Customer A will physically receive access codes for ten (10) new ActivInspire Professional Licenses on stickers that are attached to the ten (10) new Promethean ActivPanels. In that case, these ten (10) access codes are redundant and cannot be transferred or used with any other interactive display devices. Customer A can simply continue to use their existing ActivInspire Professional licenses already installed on their computers and disregard the access codes provided with the new ActivPanels. To be clear, Customer A is only entitled to use a total of ten (10) ActivInspire Professional Licenses (either the ten (10) new Licenses or the ten (10) old existing licenses), because Customer A only has ten (10) Promethean products actively in use.

5. What if Customer A decided that the ten (10) ActivBoards they removed to replace with the ten (10) new Promethean ActivPanels as part of the refresh would be re-used (for example, if Customer A reinstalls the ten (10) used ActivBoards in another of its schools that has no technology at all)? **Can Customer A continue to use the ActivInspire Professional Software that the Customer received with the purchase of those ten (10) ActivBoards in 2010? YES!** So long as the ActivBoard is still in use by the original purchaser of the product, the ActivInspire License that came with the purchase of that Board is still valid. The ActivInspire Professional License that came with the ActivBoard as part of that Related Purchase will last as long as that ActivBoard is in use by the original purchaser. In that case, Customer A would have twenty (20) ActivInspire Professional Licenses, ten (10) Licenses which continue to be used with the 2010 ActivBoards and ten (10) new Licenses that can be downloaded using the activation codes that come physically with the ten (10) new ActivPanels purchased in the refresh to be used with the ten (10) new ActivPanels.

6. Customer A later decided to purchase a set of ActivExpressions (Promethean learner response devices). The ActivExpression set comes with a license to ActivInspire Professional Software at no additional cost. **Can Customer A use the ActivInspire Professional Software that came with the ActivExpression set with the XYZ Company Flat Panels; the XYZ Company Interactive White Boards; or the XYZ Company Interactive Projectors? YES, BUT only if Customer A is using the ActivExpressions in conjunction with or at the same time as Customer A is using the ActivInspire software on the XYZ Company products.** In other words, if Customer A is conducting a lesson and not using the ActivExpressions during that lesson, Customer A cannot use the ActivInspire Software with the XYZ Company products.

\*It should be noted that in certain geographical regions Promethean does not authorize the sale of ActivInspire Professional Software as a stand-alone product unless its intended use is with Promethean equipment only.